

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	Case No.: 1:10 CR 108
	)	
Plaintiff	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	
	)	
DAVID CARROLL,	)	<b><u>ORDER ACCEPTING PLEA</u></b>
	)	<b><u>AGREEMENT, JUDGMENT AND</u></b>
	)	<b><u>REFERRAL TO U. S. PROBATION</u></b>
Defendant	)	<b><u>OFFICE</u></b>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh, regarding the change of plea hearing of David Carroll, which was referred to the Magistrate Judge with the consent of the parties.

On March 10, 2010, the government filed a one count Indictment, charging Defendant, David Carroll, with Felon in Possession of a Firearm in violation of Title 18 United States Code, Section 922(g)(1). Defendant Carroll was arraigned on March 29, 2010, and entered a plea of not guilty to count 1 before Magistrate Judge Nancy A. Vecchiarelli. On July 27, 2010, Magistrate Judge Kenneth S. McHargh, received Defendant Carroll's plea of guilty to count 1 of the Indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant David Carroll is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Carroll is adjudged guilty to Count 1 of the Indictment, in violation of Title 18 United States Code, Section 922(g)(1). This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on October 19, 2010, at 2:00 p.m. in Courtroom 19-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.  
CHIEF JUDGE  
UNITED STATES DISTRICT COURT

August 11, 2010